



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
MAR 08 2002  
TECH CENTER 1600-2900

In re application of: Monto H. KUMAGAI, et al.

Appl. No. 09 359,300

Filed: July 21, 1999

For: METHOD OF DETERMINING THE  
PRESENCE OF A TRAIT IN A PLANT  
BY TRANSFECTING A NUCLEIC  
ACID SEQUENCE OF A NON-PLANT  
DONOR INTO A HOST PLANT IN  
A POSITIVE ORIENTATION

Art Unit: 1636

Examiner: Leffers, Jr., G.

Atty. Docket: 00801.0137.US07

**Notice of Appeal From the Examiner to the Board  
of Patent Appeals and Interferences - Large Entity**

**BOX AF**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated August 30, 2002 that resulted in Applicant having claims that have been twice or finally rejected.

The fee for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our Check No. 5250. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Respectfully submitted,

Date: February 28, 2002

Albert P. Halluin (Reg. No. 25,227)  
Viola T. Kung (Reg. No. 41,131)

HOWREY SIMON ARNOLD & WHITE, LLP  
301 Ravenswood Avenue  
Box 34  
Menlo Park, CA 94025  
(650) 463-8109

120-01 09  
120-01 09